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EXAMINER
PRIETO, BEATRIZ

ART UNIT	PAPER NUMBER
2142	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	09/916,543	EICHSTADT ET AL.
	Examiner	Art Unit	
	Prieto B.	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 December 2006_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,2,4,7-17,20-77,79,80,82-108 and 110-124_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2,4,7-17,20-77,79,80,82-108 and 110-124_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _27 July 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/15/06 has been entered.

Claims 1-2, 4, 7-17, 20-77, 79-80, 82-108, and 110-124 remain pending.

2.   Applicant has specifically point out the support for any amendments made to the disclosure, in accordance with MPEP § 2163 B (II)). Applicant's point to Figure 4 and the corresponding description *commencing* at paragraph 35 (paragraph references are based on the numbering used in the published application), of the present application. The description cited and shown steps of Figure 4 have been review. The corresponding description commencing at paragraph 35, discusses Fig. 1, Fig. 3A and Fig. 4, however it remains unclear where is user editing described therein. Written disclosure of instant application, particularly, those portions cited by applicant, have been reviewed however these seems to lack antecedent basis to the claimed term "absent user editing".

According to applicant it is clear from the description that because software executing on a server performs the steps of parsing, embedding and modifying is performed by the software, *this is sufficient basis* to support a limitation excluding what is not discloses, that is "absent user editing".

However, [A]any negative limitation or *exclusionary proviso must have basis in the original disclosure*. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims (see MPEP 2173.05(i). See In re Johnson, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole, necessarily described the part remaining."). See also Ex parte Grasselli, 231 USPQ 393 (Bd. App. 1983), aff 'd mem., 738 F.2d 453 (Fed. Cir. 1984).

Applicant further asserts that *there is no literal requirement under 35 USC 112, first paragraph* in view of Ex Parte Parks, 30 USPQ 1234 (Bd. Pat. App. & Int. 193). However, any negative limitation(s) require that the boundaries of the patent protection sought are set forth definitely, albeit negatively, the claim complies with the requirements of 35 U.S.C. 112, *second paragraph*. Limitations should not define the invention in terms of what it was not, or excluding what the inventors did not invent rather than distinctly and particularly point out the invention.

For the purposes of examination the claimed term "absent user editing" will be interpreted as meaning the respective functionality are performed by software. In the present case, the originally filed disclosure would have conveyed one having ordinary skill in the art the concept of performing an embedding step is performed by software.

Claim Rejection under 35 USC 103

3.   Quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action may be found in previous office action.

4.   Claims 1, 16, 29, 75, 107 and 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,125,385 Wies et. al. (referred to as Wies hereafter) in view of Lindhorst et. al. US 6,337,696 (referred to as Lindhorst hereafter)

Regarding claim 1, Wies teaches substantially features of the invention, including a system/method of adding interactive functionality to a web-page (Wies: col 24/lines 25-62, col 2/lines 6-27, 56-65), further including a system shown on Fig. 16 comprising:

receiving at proxy server (400) a request (408) for a web page at on server (406) from a first user of computer (404); retrieving (410) by proxy server said requested web-page (412) on said server (Wies: col 27/lines 37-46);

adding code by the proxy server to said requested web page to add said interactive functionality to the web-page (Wies: col 12/lines 12-14, 23-41), where added code is performed by the proxy server (Weis: column 27, lines 39-56); and

transmitting the requested web page (414) having the embedded script code to said first user . (Wies: col 27/lines 37-46, col 11/lines 32-41); however Wies does not explicitly disclose determining within the page (i.e. parsing, scanning, searching or examining through) a location (called "appropriate") to embed a new script code.

Lindhorst in the same field of endeavor of applicant's invention, teaches parsing a document and determining a location to embed a new script code (original location col 15/lines 8-58, Fig. 8, col 21/lines 13-20, and insertion point col 21/line 66-col 23/line 34), further teaching

embedding/adding objects within a document (col 2/lines 21-31, i.e. a web page) to add functionalities to the page (col 1/lines 36-46), objects comprising object including embedded script code

such as ActiveX objects, scriptable HTML tags (col 2/lines 47-50), the object provide interactive functionalities to the web page (col 2/lines 51-58, including code implementing hyperlinks that add interactive functionalities to the web page col 4/lines 64-col 5/line 9);

wherein the embedding script code to the web page comprises: parsing the page (step 110, 211, Fig. 3-4), identifying any existing objects, and scripts (step 120) and their location (col 11/lines 30-65, Fig. 5), generating scripts that implement event/actions, i.e. interactive functionalities (col 12/lines 7-32, col 14/lines 47-55); embedding scripts in the page (col 12/lines 24-32, 33-44), embedding comprising inserting the scripts in page in the same location where they were found (col 15/lines 8-58, Fig. 8, col 21/lines 13-20), and inserting (**new**) script codes in a determined insertion point location within the page (col 21/line 66-col 23/line 34);

where embedding is preformed by software where embedding is performed by software (column 2, lines 34-39 and 58-61).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestions Wies for enhancing interactive functionalities on web pages the teachings of Lindhorst implementing a user interface for creating/editing these interactive functionalities on a web pages. One would be motivate to incorporate Lindhorst teachings into enable one without extreme complexity, writing a single line of code or extensive programming knowledge or the syntax thereof to implement the enhancement, taught by Wies.

Regarding claim 16, Wies-Lindhorst teaches in addition to the features of claim 1,

the "first" user has a "computing" device (14) connectable to the Internet (12) (Wies: col 5/lines 60-col 6/line 13) using an "Internet" browser (200) stored on the first user's computing device (Wies: col 9/lines 43-58, col 14/lines 54-55, col 1/lines 39-col 2/line 5),

the Internet browser enabling the first user to cause the computing device to establish a connection to the Internet via predetermined transmission protocol and to request and receive web-pages (Wies: col 1/lines 39-col 2/line 5), said system comprising:

the first user computing device being connectable to a server using the Internet browser (Wies: col 1/lines 39-65, proxy server col 4/lines 12-14, col 12/lines 12-14, 23-41 and col 27/lines 24-56),

said proxy server being operable in connection with software loaded on the server for receiving a request from the first user for the web-page (Wies: col 1/lines 35-58), said server configurable for performing the retrieving and adding "embedding" and transmitting functions discussed on claim 1.

Regarding claim 29, this is the computer readable medium comprising computer code for instructing one or more processors to perform the functions of claim 1, same rationale of rejection is applicable. Regarding claim 75, this claim comprises limitation substantially the same as claim 1, same rationale of rejection is applicable, however in the claim inserting, adding or embedding of code is performed by inserting, adding or embedding a "reference" to the code, this functionality is taught by Wies (col 27/lines 25-50, reference to code to add functionalities see col 25/lines 24-38).

Regarding claim 107, this claim is substantially the same as combined limitations of claims 16 and 75, same rationale of rejection is applicable.

Regarding claim 108, this claim comprises the computer readable medium comprising computer code for instructing one or more processors to perform the functions of claim 75, same rationale of rejection is applicable.

5.   Claims 2, 4, 9-13, 17, 22-26, 30-74, 76-77, 79-80, 82, 85-106, 110-124 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wies in view Lindhorst in further view of U.S. 5,996,003 NAMIKATA et. al. (Namikata hereafter).

Regarding claim 2, receiving a request for a web-page from a "second" user of a "second" computer (Wies: col 11/lines 45-52); and

transmitting a requested web-page and having "embedded script" code to the second user (Wies: col 11/lines 56-58);

the script code enabling the first user and the second user to interact with each other while viewing the requested web page (Wies: col 6/lines 47-60, col 12/lines 3-21); although Wies teaches where the first and the second user/computer can request/receive web pages having "embedded script" code, it does not teach where said user request the page.

Namikata teaches a system/method wherein a second user is configured to select any one of the pages selected by a first user (col 5/lines 26-35), thereby, providing through a network (20) the web page to each first and second user (col 5/lines 4-25, col 4/lines 58-60, for displaying the page by all users, col 5/lines 39-45, 60-63).

It would have been obvious to one ordinary skilled in the art at the time the invention was

made given the suggestions of Namikata with respect to the method for implementing document selection, distribution and its format. One ordinary skilled in the art would be motivated to combine the teachings of Namikata and Wies for including a web page as defined by Wies, having embedded script code at different locations thereof, according to the various method of embedding therein taught by Wies, to add interactive functionalities to the web page accessed by a plurality of users, by inserting Java or ActiveX code in web pages or by reference therein, either added by a server, proxy server, upon authoring of the web page or at the client, as taught by Wies, enabling clients and servers to interact with one another.

Regarding claim 4, parsing the web page to determine an appropriate location to embed the script code, wherein the location is in the "header" top or beginning included in the web page (Wies: col 15 lines 64-col 16/line 3 and Lindhorst: col 15/lines 52-54).

6.   Claims 7-8, 20-21 and 83-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIES-Lindhorst in view of Namikata in further view of U.S. 5,708,780 LEVERGOOD et. al. (Levergood hereafter).

Regarding claims 7-8, neither Wies nor Namikata teach any user authentication methodology.

Levergood teaches receiving user account data from a user and determining based on the user account data whether the user is authorized to access a requested page (col 6/lines 58-col 7/lines 13).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestion of Wies of the use of a proxy server for controlling Internet access beyond the firewall and the user of a gateway typically Internet service provider (ISP). One ordinary skilled would be motivated to utilize common authentication schemes for the first and second user accessing the Internet including the teachings of Levergood implementable on a gateway, proxy server or ISP to control the access to users how have paid for the access to said web pages.

Regarding claims 20-21, these system claim comprise the server operable in connection with the software for performing the functions discussed on claims 7-8, same rationale of rejection is applicable.

Regarding claims 83-84, these claims are substantially the same as claims 7-8, same rationale of rejection is applicable.

Regarding claim 9, wherein each of the first user (14) and the second user (16) have a computing device (Wies: col 5/lines 60-67) having a display on which the web-page is displayed (Wies: 28 and 30 of Fig. 1), (col 3/lines 43-46, col 6/lines 20-23, 27-46),

the first user's computing device having a cursor control device (Wies: mouse 36, col 9/lines 9-15) to control movement of a cursor on the first user's display (Wies: col 3/lines 46-48, col 8/lines 8-26, 60-col 9/line 4), and

wherein the script code embedded within each user's web page adds interactive functionalities to the web page by enabling the transmission of cursor (force feedback) commands to the second user (Wies; col 6/lines 47-60), force feedback commands displaying one movement of the first user's cursor on the web page (Wies; col 7/lines 36-44).

Regarding claim 10, including limitations discussed on claim 9, same rationale of rejection is applicable, claim 10, further including:

the graphical objects "elements" of the same web-page viewed by the first user and the second user are assigned the attributes including position, tag and type ("identifiers), used for identifying the occurrence of an event or mouse movement, e.g. the particular relevant element that is the subject of actions e.g. "touched" by the first user (Wies: col 19/lines 48-col 21/line 19, identify touching relevant object pseudo-code including "elem.tagName" see col 20/line 6-col 21/line 19, or name of the object see col 23/lines 36-45);

transmitting the identifier to the second user's computing device (Wies: col 4/lines 47-60, col 14/lines 63-65, Namikata: Fig. 6a-e and step S6 on Fig. 8); the actions of the first user with respect to the identified elements coordinates of the web page can be communicated to the second user and displayed (Namikata: step S30 of Fig. 12, 18, col 9/lines 50-59).

Regarding claim 11, Namikata teaches a system as shown on Fig. 3, including a first user (32) viewing a "web" page and a second user (33 or 34) (Fig. 3), in displaying for viewing a common "web" page (col 2/lines 1-15, col 6/lines 16-18), said method comprising:

providing through a network (20) the web page to each of the first and second user (col 5/lines 4-25, col 4/lines 58-60, for displaying the page by all users, col 5/lines 39-45, 60-63),

exchanging (transmitting/receiving) shared information among participants including "cursor coordinate" information from the first user (col 6/lines 62-col 7/line 12, 27-29, pointer position exchanged col 9/lines 4-29), for displaying cursor position on the second user (col 6/lines 3-8, 18-28, col 8/lines 44-67), including transmitting cursor coordinate data (col 9/lines 41-67); however Namikata does not teach the use of a page having added code to provide "interactive" functions therein;   .

Wies teaches adding code by the proxy server to said requested web page to add said interactive functionality to the web-page (col 12/lines 12-14, 23-41).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestions of Namikata with respect to the implemented document selection/distribution and format. One ordinary skilled in the art would be motivated to combine the teachings of Namikata and Wies for including document created by a content provider having a domain name associated with the Web, wherein this document inherent already include interactive functionalities, can be enhanced by inserting Java or ActiveX code in web pages, either added by a server, proxy server, upon authoring or at the client, as taught by Wies, enabling clients and servers to interact with one another.

Regarding claim 12, the cursor coordinate data is one point data (Namikata: coordinates of a pointer position see col 9/lines 4-11, 50-59).

Regarding claim 13, transmitting to one of the first or the second user, an identity for the other one of the first or the second user (Namikata: user/computer name transmitted see col 9/lines 41-49).

7.   Claims 14-15 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wies-Lindhorst in view of Namikata further view of U.S. 6,128,649 SMITH et. al. (Smith hereafter)

Regarding claims 14-15, however the above-mentioned prior art does not teach determining the session status (join or leaving) of participant and informing to other said determined status

Smith teaches determining as user (identity) join and leave a session and transmitting to each of the participants said determined status (col 18/lines 17-25).

It would have been obvious to one ordinary skilled in the art at the time the invention was

made given the suggestions of Wies for having users participate in a communication session where data is exchange there, to include Smith's teachings. Motivation would be to offer an accurate view of the participants at all times.

Regarding claim 17, this claim is substantially the same as combined claims 16 and 2, same rationale of rejection is applicable.

Regarding claims 18-19, these claims are substantially the same as claims 3 and 5, respectively, same rationale of rejection is applicable.

Regarding claim 22, this system claim is substantially the same as claim 9, discussed above, same rationale of rejection is applicable.

Regarding claim 23, this claim comprises the server and the script code further operable in connection with the software for performing the functions discussed on claim 10, same rationale of rejection is applicable.

Regarding claim 24, this claim comprises limitations similar to those discussed on claim 11, same rationale of rejection is applicable. Further limitations include computer "server" (100 of Fig. 1 and/ or 41 of Fig. 4) configured ("software loaded") for "operable in connection with the software" performing, the providing, receiving and transmitting functions discussed on claim 11, same rationale of rejection is applicable.

Regarding claims 25-26, this claim is substantially the same as claims 12-13, discussed above same rationale of rejection is applicable.

Regarding claims 27-28, these comprise the server being further operable in connection with software for performing the functions discussed on claims 14-15, same rationale of rejection is applicable.

Regarding claim 30, this computer readable medium comprising computer code for instructing one or more processors for performing the functions discussed on claim 2, same rationale of rejection is applicable.

Regarding claim 31, this claim is the computer readable medium comprising computer code for instructing one or more processors for performing the functions of the method claim 11, same rationale of rejection is applicable

Regarding claims 32-35, wherein the embedding comprises storing the script code on a computing device of the first user (Wies: col 2/lines 27-31), and downloading the script code for storage on the computing device (Wies: col 2/lines 6-25), storing the script code on a computing device of a first user prior to embedding the script code within the requested web-page (Wies: col 25/lines 24-42), downloading the script code for storage for execution on the computing device (Wies: col 2/lines 6-31).

Regarding claim 36, determining the first user's cursor position by obtaining cursor coordinate data as the first user causes the cursor to move over the displayed web-page (Wies: determine object that the mouse pointer is positioned over, e.g. position coordinates, object name, col 23/lines 30-47); and

transmitting the cursor coordinate data over which the first user's cursor is positioned to the second user so that the second user can perceive the first user's cursor position on the displayed web page (Namikata: transmitting/receiving shared information among participants including "cursor coordinate" information from the first user, see col 6/lines 62-col 7/line 12, 27-29, pointer position exchanged col 9/lines 4-29),

for displaying cursor position on the second user (Namikata: col 6/lines 3-8, 18-28, col 8/lines 44-67), including transmitting cursor coordinate data (Namikata: col 9/lines 41-67).

Regarding claim 37, this claim is substantially the same as claim 12, discussed above same rationale of rejection is applicable.

Regarding claim 38, wherein said draw data permits the second user to perceive drawing on the web-page performed by the first user (Namikata: col 8/line 8-10 and col 9/line 1-3).

Regarding claim 39, wherein the script code further enables the first user to switch between point modes and draw mode (Namikata: col 8/lines 8-10, col 9/lines 1-3).

Regarding claim 40, this claim is substantially the same as claim 9 (or 22) discussed above, same rationale of rejection is applicable.

Regarding claim 41, this claim is substantially the same as claim 36, "first" and "second" users are here described "the user" and the "other user", same rationale of rejection is applicable.

Regarding claims 42-44, this claim is substantially the same as a claim 12 (or 37), 38 and 39, discussed above same rationale of rejection is applicable.

Regarding claim 45, storing information regarding the relationship between the elements and the identifiers on the computing device of the first user and the second user (Wies:.

Regarding claim 46, graphical objects "elements" identifiable by "HTML" tags provided in the HTML code web page file that defines the web-page and there respective name (Wies: "elem.tagName" see col 20/line 6-col 21/line 19, name of the object see col 23/lines 36-45, col 18/lines 25-45).

Regarding claim 47, graphical object "element" on the web-page is characterized by a frame "bounding shape" defined by the script code, and provides a reference point position, coordinate or location from which various parts of the element may be located with on the web-page (Wies: col 20/line 6-50, and col 21/line 51-col 22/lines 8).

Regarding claim 48, the graphical objects "element" of the web page for a hierarchical structure (i.e. a tree where the nodes correspond to the elements of the web page) (Wies: col 20/lines 19-50),

each graphical object "node" has an unique identifier (Wies; col 20/line 6-col 21/line 19, or name of the object see col 23/lines 36-45); and

storing the graphical object nodes having a hierarchical structure "tree" in a web page data file on the computing device of the first user and the second user invoked by the code for determining the particular element that is subject of actions by the user (Wies: col 19/lines 48-col 21/line 19, and col 20/line 6-col 21/line 19), and

comparing the cursor coordinate data with the stored structured HTML file "tree", and parsing the tree to locate the graphical object element corresponding to the identifier (Wies: col 22/lines 9-50).

Regarding claim 49, this claim is substantially the same as claim 10, same rationale of rejection is applicable.

Regarding claim 50, includes limitation discussed on claim 10, same rationale of rejection is applicable, further limitations include, storing each identifier to be accessible by code for identifying a particular element subject to a user's action (Wies: identify touching relevant object pseudo-code including "elem.tagName" see col 20/line 6-col 21/line 19, name of the object see col 23/lines 36-45);

determining the first user's cursor position by obtaining cursor coordinate data as the first user causes the cursor to move over the displayed web-page (Wies: coordinates determination see col 21/line 51-col 22/lines 8)

comparing the cursor coordinate data with the stored one or more identifiers to determine the element over which the first user's cursor is positioned (Wies: identify "touch object" see col 20/lines 6-50);

transmitting the cursor coordinate data and identifier for the element over which the first user's cursor is positioned to the second user's computing device (Wies: determining coordinate col 22/lines 19-33 and transmitting col 6/lines 27-51); and

locating the corresponding element on the second user's web page by using the identifier and respective object coordinates, so that the second user can perceive the first user's cursor position on the displayed web-page (Namikata: step S30 of Fig. 12, 18, col 9/lines 50-59).

Regarding claim 51, this claim is substantially the same as claim 48, same rationale of rejection is applicable.

Regarding claim 52, this claim is substantially the same as claim 46, same rationale of rejection is applicable.

Regarding claim 53, this claim is substantially the same as claim 50, same rationale of rejection is applicable.

Regarding claims 54-55, displaying one or more movements of one user's cursor on the web-page of the other user (Namikata: col 8/lines 44-67, Wies: col 3/lines 46-48, col 7/lines 36-44) by transmitting cursor coordinates to the other user, wherein the received cursor coordinate data is one of the first

user's cursor position or the second user's cursor position as the one of the first user or the second user causes the cursor to move over the displayed web-page (Namikata: Fig. 6a-e and step S6 on Fig. 8, where the actions of one user are displayed to the other user, step S30 of Fig. 12, 18, col 9/lines 50-59).

Regarding claim 56, this claim is substantially the same as claim 38, same rationale of rejection is applicable

Regarding claim 57, this claim is substantially the same as claims 10, 23 or 50 same rationale of rejection is applicable

Regarding claim 58, this claim is substantially the same as claim 48, same rationale of rejection is applicable.

Regarding claim 59, this claim is substantially the same as claim 46 (or 52), same rationale of rejection is applicable.

Regarding claims 60-61, these claims are substantially the same as claims 33-32, same rationale of rejection is applicable.

Regarding claim 62, this claim comprises the server and script code further operable in connection with the software to perform the functions discussed on claims 10, 23, 50 or 57, same rationale of rejection is applicable.

Regarding claim 63, this claim comprises the server and the script code further operable in connection with the software to perform the functions discusses on claim 48, same rationale of rejection is applicable.

Regarding claim 64, this claim is substantially the same as claim 46 (or 52 or 64), same rationale of rejection is applicable.

Regarding claim 65, this claim comprises limitations from claims 10, 36 and 41, same rationale of rejection is applicable.

Regarding claim 66, this claim comprises the server and the script code further operable in connection with the software to perform the functions discussed on claim 36, same rationale of rejection is applicable.

Regarding claim 67, this claim is substantially the same as claim 12, discussed above same rationale of rejection is applicable.

Regarding claim 68, this claim is substantially the same as claim 38 or 43, same rationale of rejection is applicable.

Regarding claim 69, this claim is substantially the same as claim 9, same rationale of rejection is applicable.

Regarding claim 70, this claim is substantially the same as claim 36, same rationale of rejection is applicable.

Regarding claim 71, this claim is substantially the same as claim 12, discussed above same rationale of rejection is applicable.

Regarding claim 72, this claim is substantially the same as claims 38 or 43, or 68, same rationale of rejection is applicable.

Regarding claims 73-74, these claims are substantially the same as claims 32-33, same rationale of rejection is applicable.

Regarding claims 76-77, these claim include limitation of claim 75 and claim 2, same rationale of rejection is applicable.

Regarding claim 79, these claims area substantially the same as claim 7, same rationale of rejection is applicable.

Regarding claim 80, this claim is substantially the same as claim 77, same rationale of rejection is applicable.

Regarding claim 82 these claims are substantially the same as claim 4, same rationale of rejection is applicable.

Regarding claims 85-86, these claims comprises substantially the same limitations as claims 32-33 and 75, same rationale of rejection is applicable.

Regarding claim 87, this claim is substantially the same as claims 9 (or 22, 40), same rationale of rejection is applicable.

Regarding claim 88, this claim is substantially the same as claim 36, same rationale of rejection is applicable.

Regarding claim 89, this claim is substantially the same as claim 12, discussed above same rationale of rejection is applicable.

Regarding claims 90-91, these claims comprises substantially the same limitations as claims 43-44, same rationale of rejection is applicable.

Regarding claim 92, this claim is substantially the same as claim 9 (or 22, 40, 87), same rationale of rejection is applicable.

Regarding claim 93, this claim comprises substantially the same limitations as claim 36, same rationale of rejection is applicable.

Regarding claims 94-96, these claims are substantially the same as claims 37-39, discussed above same rationale of rejection is applicable.

Regarding claim 97, this claim comprises substantially the same limitations discussed on claims 10, 23, 50, 57, or 62, same rationale of rejection is applicable.

Regarding claim 98, this claim comprises substantially the same limitations discussed on claim 48, same rationale of rejection is applicable.

Regarding claim 99, this claim is substantially the same as claim 46 (or 52 or 64), same rationale of rejection is applicable.

Regarding claim 100, this claim is substantially the same as claim 47, same rationale of rejection is applicable.

Regarding claim 101, this claim is substantially the same as claim 48 (or 58), same rationale of rejection is applicable.

Regarding claim 102, this claim is substantially the same as claim 10, same rationale of rejection is applicable.

Regarding claim 103, this claim comprises substantially the same limitations discussed on claims 10 and 50, same rationale of rejection is applicable.

Regarding claim 104, this claim is substantially the same as claim 48 (or 58 or 101), same rationale of rejection is applicable.

Regarding claim 105, this claim is substantially the same as claim 46 (or 52 or 64 or 99), same rationale of rejection is applicable.

Regarding claim 106, this claim comprises the same limitation discussed on claims 10, 23, 50, 57, 62, 97, same rationale of rejection is applicable.

Regarding claim 110, this claim is substantially the same as claims 32 and 75, same rationale of rejection is applicable.

Regarding claim 111, this claim comprises the computer readable medium comprising computer code for instructing one or more processors to perform the functions of the method claims 11 and 75, same rationale of rejection is applicable.

Regarding claim 112, this claim comprises the software being operable in connection with software loaded therein for performing the functions of the method claims 16 and 75, same rationale of rejection is applicable.

Regarding claims 113-114, this claim is substantially the same as the combination of claims 10 and 100, same rationale of rejection is applicable

Regarding claims 115, 117, 119, 121 and 123 these claims comprises limitations of claims 1 and 2, same rationale of rejection is applicable.

Regarding claims 116, 118, 120, 122 and 124 wherein the script code embedded within the webpage requested by the first user differs from the script code embedded within the web-page requested by the second user (Wies: col 3/lines 40-48, col 4/lines 49-59).

Response to Arguments

8.   Regarding claims 1, 16, 29, 75, 107 and 108 rejected as being unpatentable over Wies in view of Lindhorst, it is argued that Lindhorst does not teach claim limitation as amended. Specifically, embedding absent user editing. Because according to applicant's interpretation of the applied reference, Lindhorst performs editing regardless of whether the script code is new or existing.

In response to the above-mentioned argument, applicant's interpretation of the applied reference has been reviewed. The method claims comprise embedding being performed absent user editing. Thus, the method recites a transitional phrase(s), which define the scope of a claim, with respect to what unrecited additional components or steps, if any, are excluded from the scope of the claim. In this case the recited transitional term is "comprising", which is inclusive or *open-ended and does not exclude additional, unrecited elements or method steps* (see MPEP §2111.02).

Hence, applicant's argument that the applied reference Lindhorst performs user editing is not commensurate with the scope of the claim, the recited limitation *requires* that said embedding step act be performed absent user editing.

Applicant's argument [AS BEST UNDERSTOOD] in the reference, the script code, new or existing, is inserted into the document at step 150 of process of Lindhorst "as an integral part of the editing performed by the user". The *open-ended language of the claim does not exclude additional, unrecited elements or method steps*. The embedding act is performed absent user editing, as discussed in detail below.

9.   Regarding claims 1, 16, 29, 75, 107 and 108 rejected as being unpatentable over Wies in view of Lindhorst, it is argued that Lindhorst does not teach claim limitation as amended. Specifically, embedding absent user editing. Because according to applicant's interpretation of the applied reference, Lindhorst cannot insert without editing performed by the user.

In response to the above-mentioned argument, applicant's interpretation of the applied reference has been considered. In this case, (i) Lindhorst discloses regarding figure 8, the process 150 of rebuilding the document from the memory storages is illustrated. In the rebuild process 150, once the object ID has been read at the state 612, the process 150 moves to state 616 wherein a search is initiated to find the same object ID within the HTML document 210. In this manner, the process 150 can determine the appropriate insertion point for the stored script. Once the object ID has been found within the HTML document at state 616, the process 150 moves to state 620 wherein the script is inserted into the indexed HTML document in the parsed document data storage 211 at a position directly above the object tag. After the script has been inserted into the indexed HTML document at a position just above the found object tag ... (column 22, lines 31-48). Hence, Lindhorst discloses the step of inserting without editing performed by the user.

(ii) The process described in Figure 3 can be performed without user intervention because of the conditional steps 120 and 148. Namely, the step 120 where if a script exist, actions 124-140 involving user intervention are not performed, and a determination step (148) to determine if further user intervention action are detected are received or not. Thus, Figure 3 discloses a process that does not require user intervention. Hence, Lindhorst discloses the step of inserting without editing performed by the user.

10.   Regarding claims 1, 16, 29, 75, 107 and 108 rejected as being unpatentable over Wies in view of Lindhorst, it is argued that there is no suggestion for the proposed hypothetical combination. Because according to applicant, Weis focuses on an environment to provide sensory feedback to a user by transmitting a web page to the user's computer, the web page containing objects to control operation of force feedback devices to provide the sensory feedback to the user. In contrast, Lindhorst describes an editing/development environment in which a user can edit an HTML object/document. The two environments are not at all compatible, and neither provides a suggestion, motivation or teaching to combine, let alone to make the hypothetical combination suggested in the Office Action. Applicant further states that the combination of Wies and Lindhorst would result in inoperable for their intended purpose.

        In response to applicant's argument that "environments are not compatible", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

        In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Weis reference explicitly teaches an web authoring application interface tool for authoring web pages for use with application programs for allows users inexperienced with HTML syntax and unfamiliar with force feedback to quickly create HTML pages with feel content, along with standard content such as graphics, text, and sound, where the application uses common user interface feature found in most web authoring applications today. These features should allow the user to easily insert and place content and immediately feel, see, and hear the results. Once the web page is saved as a file by the authoring interface, the user can send the created web page to a web server to be accessible to end users over the Internet or other network; or, the saved web page might be already available over the Internet if it is resident on a machine (such as a client machine) having appropriate accessibility over the Internet (or other network) (column 30, lines 8-30). Weis suggest using scripts, e.g. ActiveX controls which are

programmable acts that can be embedded into Web pages and may be written in any (platform-specific) language. Java and ActiveX controls can add functionality to a Web page that would normally be difficult, or even impossible, using HTML or scripting languages. ActiveX controls can also be controlled with a scripting language. Alternatively, functionality can be added to a web page through the use of "plug-ins", which are application programs running in conjunction with certain web browsers to parse plug-in-specific code in the web page which the browser cannot understand (column 2, lines 6-31).

Hence, according to Applicant's characterization of the Lindhorst reference which "describes an editing/development environment in which a user can edit an HTML object/document". Weis suggest various applications in Lindhorst's system.

11.   Regarding claims 1, 16, 29, 75, 107 and 108 rejected as being unpatentable over Wies in view of Lindhorst, it is argued that Lindhorst does not teach claim limitation as amended. Specifically, where embedding is performed "absent user editing", i.e. by software.

In response to the above argument, applicant's interpretation of the applied prior art has been considered. However, applicant's attention is directed to cited portions of the applied Weis reference: After receiving the requested document 412, a normal proxy server would then pass the requested web page back to the client; however, the *proxy server* 400 of the present invention first applies the pre-processing (described above) to the web page document to *modify the web page file (embedding a force-only ActiveX control, adding JavaScript code to facilitate force-effect scripting, and assigning effects to web page objects such as hyperlinks)*, if the document is an HTML file, then transmits back the new generic-effect-enabled web page 414 to the client computer 404. Thus, the client's user is able to feel the web page in a seamless manner, and without having the client expend time in preprocessing operations. (column 27, lines 39-56).

The Lindhorst et. al. reference further teaches: Using the program described herein, the user can generate and edit event-handling scripts visually (via mouse clicks), *without typing in or directly editing the underlying script code*. In addition, the program displays a non-executable "plain English" narrative of the event handler scripts that have been generated (column 2, lines 34-39). Action that triggers an event, the corresponding event handling software ("event handler") is initiated and run on the computer system. It should be noted that a user action is not necessarily required to trigger an event. For example, a timer object may include a timer event that is triggered once a pre-determined period of time has elapsed (column 2, lines 58-61).

12.   Applicant's arguments with the above-mentioned amendment have been fully considered but not found persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew T. Caldwell can be reached at (571) 272-3868. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see http://pair-direct.uspto.gov or the Electronic Business Center at 866-217-9197 (toll-free).

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March 5, 2007

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